

FALKLAND ISLANDS

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Statute Law Database (Rectification) Order 2024

(No. 14 OF 2024)

ARRANGEMENT OF PROVISIONS

Article

1. Title
2. Commencement
3. Rectification of defects in the Statute Law Database

Schedule — Rectification of the Statute Law Database

FALKLAND ISLANDS

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Statute Law Database (Rectification) Order 2024

(made: 9 October 2024)
(commencement: on publication)
(published: 10 October 2024)

I make this order under section 15(4) of the Law Revision and Publication Ordinance 2017 to give effect to a report of the Attorney General approved by the Legislative Assembly.

1. Title

This order is the Statute Law Database (Rectification) Order 2024.

2. Commencement

(1) This order comes into force on publication in the *Gazette*.

(2) Subject to sub-article (3), the order is deemed to have had effect from 31 July 2017.

(3) Paragraph 4 of the Schedule is deemed to have had effect from 24 May 2021.

3. Rectification of defects in the Statute Law Database

The Schedule to this order rectifies defects in the Statute Law Database.

SCHEDULE - RECTIFICATION OF THE STATUTE LAW DATABASE

(article 3)

1. Administration of Justice (Crown Proceedings) Rules 1994

In rule 8(2) of the Administration of Justice (Crown Proceedings) Rules (Service of proceedings against the Crown), replace "rule 2A(2)" with "rule 3(2)".

2. Agricultural Returns Ordinance 2013

In section 11(b) of the Agricultural Returns Ordinance 2013 (Publication of information from annual returns), replace "Livestock Ordinance 2001" with "Livestock Ordinance 1901".

3. Board of Health By-Laws 1937

In the Board of Health By-Laws 1937, under the sub-heading "Infectious diseases", delete by-laws 55 to 64.

4. Building Regulations 1999

In regulation 12A of the Building Regulations 1999 (Certificate for occupation and use is evidence), replace "buidling" with "building".

5. Civil Jurisdiction (Offshore Activities) Order 1998

(1) This article amends the Civil Jurisdiction (Offshore Activities) Order 1998.

(2) In article 2 (Interpretation), in the definition of "relevant act", replace "article A(b)" with "article 4(b)".

(3) In article 3 (Jurisdiction), replace "article 2" with "article 2A".

6. Control of Kelp Ordinance 1970

In the long title of the Control of Kelp Ordinance 1970, replace "Assembly" with "Falkland Islands".

7. Criminal Procedure and Evidence Ordinance 2014

(1) This article amends the Criminal Procedure and Evidence Ordinance 2014.

(2) In section 52(2) (Bail under section 51: Notices), replace paragraphs (a) to (c) with —

" (a) inform the person that he or she is required to attend a place of lawful custody specified in the notice; and

(b) specify the time when the person is required to attend.".

(3) In section 92(3) (Impressions of footwear), replace "(c)" with "(b)".

(4) In section 122(5) (Amendment of codes of practice), replace "mending" with "amending".

(5) In section 223(3) (Disclosure by defendant: Further provisions), replace "(b" with "(b)".

8. Customs (Fees) Regulations 2006

In regulation 4 of the Customs (Fees) Regulations 2006 (Entering and clearing), before paragraph (a), insert —

"(1) Subject to regulation 5 in respect of any vessel of 50 net registered tonnes or more —".

9. Defamation Ordinance 1988

In the Defamation Ordinance 1988 insert immediately after Schedule 2 —

"**SCHEDULE 3**

Qualified privilege

[S. 2/Ord. 20/98/w.e.f. 1/7/99.]

PART I
STATEMENTS HAVING QUALIFIED PRIVILEGE WITHOUT EXPLANATION OR CONTRADICTION

1. A fair and accurate report of proceedings in public of a legislature anywhere in the world.

2. A fair and accurate report of proceedings in public before a court anywhere in the world.

3. A fair and accurate report of proceedings in public of a person appointed to hold a public inquiry by a Government or legislature anywhere in the world.

4. A fair and accurate report of proceedings in public anywhere in the world of an international organisation or an international conference.

5. A fair and accurate copy of or extract from any register or other document required by law to be open to public inspection.

6. A notice or advertisement published by or on the authority of a court, or of a judge or officer of a court, anywhere in the world.

7. A fair and accurate copy of or extract from matter published by or on the authority of a Government or legislature anywhere in the world.

8. A fair and accurate copy of or extract from matter published anywhere in the world by an international organisation or an international conference.

PART II
STATEMENTS PRIVILEGED SUBJECT TO EXPLANATION OR CONTRADICTION

9.—(1) A fair and accurate copy of or extract from a notice or other matter issued for the information of the public by or on behalf of —

(a) a legislature in any member State or the European Parliament;

(b) the Government of any member State, or any authority performing governmental functions in any member State or part of a member State, or the European Commission;

(c) an international organisation or international conference.

(2) In this paragraph "governmental functions" include police functions.

10. A fair and accurate copy of or extract from a document made available by a court in any member State or the European Court of Justice (or any court attached to that court), or by a judge or officer of any such court.

11.—(1) A fair and accurate report of proceedings at any public meeting or sitting in the Falkland Islands or in the United Kingdom of —

(a) a local authority or governmental or local authority committee;

(b) a commission, tribunal, committee or person appointed for the purpose of any inquiry —

(i) in the case of the Falkland Islands, by any statutory provision or by the Governor; and

(ii) in the case of the United Kingdom by any statutory provision, by Her Majesty or by a minister of the Crown or a Northern Ireland Department;

(c) a person appointed by a local authority to hold a local inquiry in pursuance of any statutory provision;

(d) any other tribunal, board, committee or body constituted by or under, and exercising functions under, any statutory provision or, in the case of the Falkland Islands, under terms of reference established by, or under the authority of, the Governor.

(2) A fair and accurate report of any corresponding proceedings in any of the Channel Islands or the Isle of Man or in another member State.

12.—(1) A fair and accurate report of proceedings at any public meeting held in a member State.

(2) In this paragraph a "public meeting" means a meeting bona fide and lawfully held for a lawful purpose and for the furtherance or discussion of a matter of public concern, whether admission to the meeting is general or restricted.

13.—(1) A fair and accurate report of proceedings at a general meeting of a Falkland Islands or United Kingdom public company.

(2) A fair and accurate copy of or extract from any document circulated to members of a Falkland Islands or United Kingdom public company —

(a) by or with the authority of the board of directors of the company;

(b) by the auditors of the company; or

(c) by any member of the company in pursuance of a right conferred by any statutory provision.

(3) A fair and accurate copy of or extract from any documents circulated to members of a Falkland Islands or United Kingdom public company which relates to the appointment, resignation, retirement or dismissal of directors of the company.

(4) In this paragraph —

(a) "Falkland Islands public company" has the same meaning as it has for the purposes of the company law of the Falkland Islands for the time being in force; and

(b) "United Kingdom public company" means —

(i) a public company within the meaning of section 1(3) of the Companies Act 1985 or Article 12(3) of the Companies (Northern Ireland) Order 1986; or

(ii) a body corporate incorporated by or registered under any other statutory provision of the United Kingdom, or by Royal Charter, or formed in pursuance of letters patent in the United Kingdom.

(5) A fair and accurate report of proceedings at any corresponding meeting of, or copy of or extract from any corresponding documenting circulated to members of a public company formed under the law of any of the Channel Islands or the Isle of Man or of another member State.

14. A fair and accurate report of any finding or decision of any of the following descriptions of association formed in the Falkland Islands or another member State, or of any committee or governing body of such an association —

(a) an association formed for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion or learning, and empowered by its constitution to exercise control over or adjudicate on matters of interest or concern to the association, or the actions or conduct of any person subject to such control or adjudication;

(b) an association formed for the purpose of promoting or safeguarding the interests of any trade, business, industry or profession, and empowered by its constitution to exercise

control over or adjudicate on matters connected with that trade, business, industry or profession, or the actions or conduct of those persons;

(c) an association formed for the purpose of promoting or safeguarding the interests of a game, sport or past time to the playing or exercise of which members of the public are invited or admitted, and empowered by its constitution to exercise control over or adjudicate upon persons connected with or taking part in the game, sport or past time;

(d) an association formed for the purpose of promoting charitable objects or other objects beneficial to the community and empowered by its constitution to exercise control over or to adjudicate on matters of interest or concern to the association, or the actions or conduct of any person subject to such control or adjudication.

15. A fair and accurate report of, or copy of or extract from, any adjudication, report, statement or notice issued by a body, officer or other person designated for the purposes of this paragraph—

(a) for the Falkland Islands, by Order of the Governor;

(b) for England and Wales or Northern Ireland, by Order of the Lord Chancellor made; and

(c) for Scotland, by Order of the Secretary of State.

PART III
SUPPLEMENTARY PROVISIONS

16.—(1) In this Schedule —

"court" includes any tribunal or body exercising the judicial power of the State;

"international conference" means a conference attended by representatives of two or more governments;

"international organisation" means an organisation of which two or more governments are members, and includes any committee or other subordinate body of such an organisation;

"legislature" includes a local legislature.

(2) References in this Schedule to a member State include any European Dependent Territory or a member State of the European Union.

(3) In paragraphs 2 and 6 "court" includes —

(a) the European Court of Justice (or any court attached to that Court) and the Court of Auditors of the European Communities;

(b) the European Court of Human Rights;

(c) any international criminal tribunal established by the Security Council of the United Nations or by an international agreement to which the United Kingdom is a party; and

(d) the International Court of Justice and any other judicial or arbitral tribunal deciding matters in dispute between States.

(4) In paragraphs 1, 3 and 7 "legislature" includes the European parliament.

17. The Governor may by order make provision identifying —

(a) for the purposes of paragraph 11, the corresponding proceedings referred to in sub-paragraph (3) of that paragraph;

(b) for the purposes of paragraph 13, the corresponding meetings and documents referred to in sub-paragraph (5) of that paragraph.".

10. Double Taxation Relief Arrangement (United Kingdom) Order 1996

(1) This article amends paragraph 21 of the Schedule to the Double Taxation Relief Arrangement (United Kingdom) Order 1996 (Miscellaneous rules applicable to certain offshore activities).

(2) In sub-paragraph (5), delete paragraphs (a) to (c).

(3) Re-number sub-paragraphs (7), (8) and (9) as sub-paragraphs (6), (7) and (8) respectively.

11. Electoral Ordinance 1988

In section 8A(3) of the Electoral Ordinance 1988 (Residence: general), replace "any arising" with "any duty arising".

12. Employment Protection Ordinance 1989

(1) This article amends the Employment Protection Ordinance 1989.

(2) In section 75A(5) (Internal appeal procedure), replace "of a the" with "of and the".

(3) In Schedule 4 (Death of employee or employer), replace the heading to Part IV with "Redundancy Payments: Death of Employee".

13. Falkland Islands Pensions Scheme Ordinance 1997

(1) This article amends the Falkland Islands Pensions Scheme Ordinance 1997.

(2) In section 32A(2) (Early retirement on grounds of ill-health or disablement: benefits for members other than FIG employees), after subsection (3), delete the second subsection (2).

(3) In Schedule 1 (The Pensions Board), in paragraph 7(2) (Proceedings of the Board), replace "Financial Secretarys" with "Financial Secretary".

14. Fishery Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015

(1) This article amends the Fishery Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015.

(2) In Schedule 3, replace the table with —

"**Substances to be checked**	**Types of fish**
Stilbenes Steroids Compounds for which no MRL can be established	aquaculture fish
Antibacterial substances including sulphonamides, quinolones	aquaculture fish
Anthelmintics	aquaculture fish
Organochlorine compounds including PCBs	aquaculture fish
Chemical elements	aquaculture fish and wild caught fish
Mycotoxins*	aquaculture fish
Dyes	aquaculture fish
Dioxins	aquaculture fish and wild caught fish
Polyaromatic hydrocarbons	aquaculture fish and wild caught fish**

*Mycotoxins may only be investigated if there are any results over 0

**PAH must be monitored in dried, salted, brined or smoked fish, cephalopods, crustaceans and molluscs and fish fat/oils. PAH must be measured in plain fish if there has been environmental contamination that may increase risk of high PAH levels".

(3) In Schedule 5, Part D, replace the table with —

"**Food category**	**Micro-organisms**	**Sampling plan (1)**		**Limits (2)**		**Analytical reference method (3)**	**Stage where the criterion applies**	**Action in case of unsatisfactory results**
		n	c	m	M			
cooked crustaceans and molluscan shellfish	*Salmonella*	5	0	absence in 25g		ISO 6579	Products placed on the market during their shelf-life	Improvements in process hygiene and review of process controls
fishery products from fish species associated with high amount of histamine (2)	Histamine	9(3)	2	100mg /kg	200mg /kg	HPLC	Products placed on the market during their shelf life	Review of processing controls

fishery products which have undergone enzyme maturation treatment in brine, manufactured from fish species associated with a high amount of histamine (2)	Histamine	9(3)	2	200mg /kg	400mg / kg	HPLC	Products placed on the market during their shelf-life	Review of processing controls

(1) E.coli is used here as an indication of faecal contamination

(2) Fish species of the families *Scombridae, Clupeidae, Engraulidae, Coryfenidae, Pomatomidae, Scombresosidae*

(3) Single samples may be taken at retail level. If the result is above M the whole batch is deemed unsafe".

15. Foreign Judgments (Reciprocal Enforcement) Order 1975

Include in the Database —

"**FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ORDER**
(S.R. & O. No. 8 OF 1975)

ARRANGEMENT OF PROVISIONS

Paragraph
Preamble
1. Citation
2. Extension of Ordinance to Commonwealth countries
3. Extension of Ordinance to foreign countries
4. Superior courts
First Schedule
Second Schedule

Preamble

Whereas-

(a) by section 3 of the Foreign Judgments (Reciprocal Enforcement) Ordinance, it is provided that the Governor in Council, if he is satisfied that, in the event of the benefits conferred by the Ordinance being extended to judgments given in the superior courts of any foreign country, substantial reciprocity of treatment will be assured as respects the enforcement in that foreign country of judgments given in the Supreme Court of the Falkland Islands and judgments given on appeal therefrom, may by order direct that the provisions of the Ordinance shall extend to that foreign country and that such courts of that foreign country as are specified in the order shall be deemed superior courts of that country for the purposes of the Ordinance; and

(b) by section 9 of the Ordinance, it is provided that the Governor in Council may by order direct that the provisions of the Ordinance shall apply to any part of the Commonwealth and to judgments obtained in the superior courts of such part, as they

apply to foreign countries and judgments obtained in the superior courts of foreign countries:

And whereas in exercise of the powers conferred by section 9, the Governor in Council has by the Foreign Judgments (Reciprocal Enforcement) (Application to the Commonwealth) Order 1975, directed that the provisions of the Ordinance shall apply to every part of the Commonwealth and to judgments obtained in the superior courts of any such part:

And whereas-

(a) the Governor in Council is satisfied that, the benefits conferred by the Ordinance having been extended, or in the event of their being extended, to judgments given in the superior courts of each part of the Commonwealth specified in the First Schedule hereto, substantial reciprocity of treatment has been or will be assured as respects the enforcement in each such part of judgments given in the Supreme Court of the Falkland Islands and judgments given on appeal therefrom;

(b) the Governor in Council is satisfied that, the benefits conferred by the Ordinance having been extended, or in the event of their being extended, to judgments given in the superior courts of each of the foreign countries specified in the Second Schedule hereto, substantial reciprocity of treatment has been or will be assured as respects the enforcement in each such country of judgments given in the Supreme Court of the Falkland Islands and judgments given on appeal therefrom.

1 Citation

This Order may be cited as the Foreign Judgments (Reciprocal Enforcement) Order.

2 Extension of Ordinance to Commonwealth countries

The provisions of the Ordinance shall extend to each of the parts of the Commonwealth as are specified in the First Schedule.

3 Extension of Ordinance to foreign countries

The provisions of the Ordinance shall extend to judgments given in the superior courts of any of the countries specified in the Second Schedule.

4 Superior courts

For the purposes of the Ordinance, courts in each part of the Commonwealth specified in the First Schedule and in each country specified in the Second Schedule which have unlimited jurisdiction in civil and criminal matters shall be deemed to be superior courts.

FIRST SCHEDULE

[S.R. & O. 1/78/w.e.f. 24/5/78 and S.R. & O. 11/94/w.e.f. 1/9/94.]

1. . . .

[S.R. & O. 11/94/w.e.f. 1/9/94.]

2. New Zealand

[S.R. & O. 1/78/w.e.f. 24/5/78.]

SECOND SCHEDULE

1. Austria
2. Belgium
3. Federal Republic of Germany
4. France
5. Norway".

16. Interpretation and General Clauses Ordinance 1977

In section 4(1) of the Interpretation and General Clauses Ordinance 1977 (Interpretation of words and expressions), in the definition of "public officer" and "public servant" replace "office or emolument" with "office of emolument".

17. Legislative Assembly (Privileges) Ordinance 1989

In section 8(2) of the Legislative Assembly (Privileges) Ordinance 1989 (Prohibition of publication of proceedings of Legislative Assembly), replace "Legislative- Council" with "Legislative Assembly".

18. Licensing Ordinance 1994

(1) This article amends the Licensing Ordinance 1994.

(2) In section 31(2)(a) (Qualifications for registration), replace "twenty five" with "five".

(3) In section 69 (Exclusions from section 66 and 68 of Part V licensed bars), delete subsections (1) to (3).

19. Livestock and Meat Products Ordinance 2010

In section 3 of the Livestock and Meat Products Ordinance 2010 (Interpretation) —

(a) replace the definition of "designated abattoir" in subsection (1) with —

""designated abattoir" has the meaning given by subsection (3)"; and

(b) replace the definition of "designated abattoir" in subsection (3) with —

""Designated abattoir" means an abattoir designated by Notice for the purpose of producing and processing meat for placing on the market for human consumption and the Notice must specify the meat which the designated abattoir produces for placing on the market for human consumption.

[S. 4/Ord. 8/16/w.e.f. 31/8/16]".

20. Livestock and Meat Products (Veterinary Medicinal Products) Regulations 2015

In the Schedule to the Livestock and Meat Products (Veterinary Medicinal Products) Regulations 2015, after Part C, insert —

"**Part D – AVM-GSL medicines**
(*regulation 3(1)(a)*)

1. There are no legal restrictions for the retail supply of veterinary medicines classified as AVM-GSL ("over the counter" medicine) but a responsible approach to the supply of these medicines is expected.

2. A medicine will generally be included in the AVM-GSL category when —

(a) its use has a wide margin of safety;

(b) it is used to alleviate or prevent the signs of disease or support the treatment of common ailments;

(c) special advice is not required to permit safe or effective use.

Part E
Medicines not Subject to Veterinary Control (Exemptions for Small Animals (Pets))
(*regulation 3(1)(b)*)

1. The exemption permits certain medicines to be placed on the market without a marketing authorisation (MA), subject to certain conditions.

2. This exemption scheme applies only to veterinary medicines labelled exclusively for use in one or more of the following animals that are not intended for human consumption —

(a) aquarium animals (including fish kept in closed water systems);

(b) cage birds (meaning birds kept in cages or aviaries);

(c) homing pigeons (meaning pigeons kept for racing or exhibition);

(d) terrarium animals (meaning reptiles, amphibians and arthropods kept in tanks and cages – including animals free-living in domestic gardens);

(e) small rodents (meaning domestic mammals of the order *rodentia)*;

(f) ferrets; and

(g) rabbits.

3. Products marketed under the exemption may be sold by any retailer.".

21. Medical Services Tax Ordinance 2010

In section 37A(5) of the Medical Services Tax Ordinance 2010 (Calculation of yearly allowable deductions), replace the formula with —

"(£60,000 ÷ 12) x M

[S. 22/ Ord. 6/14/w.e.f 1/1/15]".

22. Mining Ordinance 2005

In section 11(1) of the Mining Ordinance 2005 (Grant of licences), replace "a person" with "any body corporate".

23. Offshore Petroleum (Licensing) Regulations 2000

(1) This article amends the Offshore Petroleum (Licensing) Regulations 2000.

(2) Replace Schedule 1 (Form of application for a production licence) with —

"**SCHEDULE 1**

regulation 5(1)

FORM OF APPLICATION FOR A PRODUCTION LICENCE
(to be submitted in duplicate)

PART I

1. Name of each applicant in full.

2. If the application is made by more than one person and the applicants have agreed on the manner in which benefits resulting from the exploitation of the licence should be shared between them, the share which each applicant would be entitled to take.

Name of applicant	Share of benefits

3. Name of proposed operator.

PART II

4. Number(s) of the block(s) and details of part block(s) in respect of which the application is made.

PART III

5. In respect of each applicant who is an individual —

Name in full	Usual residential address	Nationality

6. In respect of each applicant who is a body corporate[1] —

(a) Name of applicant in full	(b) Place of incorporation	(c) Principal place of business	(d) In the case of a company, its registered office	(e) Place of central management and control

(f) Particulars of each member of the board of directors or other governing body of the body corporate, as follows —

(1) Full name	(2) Usual residential address	(3) Nationality

7. In respect of each applicant which is a body corporate[2] —

(a) Particulars of the capital authorised and issued as follows —

(1) Class of capital	(2) Amount authorised	(3) Amount issued	(4)[3] Voting rights of each class

(b) Particulars of all holdings of not less than 5 per cent in number or value of any class of capital which has been issued by the body corporate as follows —

(1) Name of holder or names of joint holders, in full	(2) Nationality of holders	(3) Class of holding	(4) Amount

(c) Particulars of all capital issued to bearer, as follows —

(1) Class of capital	(2) Total amount issued	(3) Amount issued to bearer

8.—(1) In the case of an application for a production licence, for each applicant which is a body corporate there shall accompany the application two[4] copies of the most recent audited accounts of each such applicant and two copies of the audited accounts of any body corporate having control of such applicant[5]. Subsections (2) and (4) to (6) of section 416 of the Income and Corporation Taxes Act 1988 of the United Kingdom shall apply[6] for the purposes of determining whether for the purposes of this paragraph a body corporate has control of another body corporate, with the following modifications —

(a) for the words "greater part" wherever they occur in the said subsection (2) there shall be substituted the words "one third or more";

(b) in the said subsection (6), for the word "may" there shall be substituted the word "shall", the words from "and such attributions" onwards shall be omitted, and in the other provisions of that subsection any reference to the associate of a person shall be construed as including only a relative of his (as defined by section 417(4) of that Act), a partner of his and a trustee of a settlement (as defined by section 681(4) of that Act) of which he is a beneficiary.

(2) There shall accompany the application a list of the bodies corporate whose accounts are submitted pursuant to sub-paragraph (1) of this paragraph.

9. Where the proposed operator is not an applicant, the proposed operator shall comply with paragraphs 6 to 9 above as if he were an applicant.

10. In the case of an application for a production licence, there shall be annexed a Technical Summary prepared in such a manner as best illustrates the rationale underlying the application. As a minimum the Technical Summary must contain the information required by any Notice to Applicants issued by the Department of Mineral Resources and for time being in force.

11. An application for a production licence shall be accompanied by a work programme which must contain at the minimum one or more of the following elements —

(a) proposals for the acquisition of an extensive and intensive geochemical "sniffer-type" survey;

(b) acquisition of an extensive and intensive aeromagnetic survey;

(c) acquisition of an extensive set of sea-bed cores testing the stratigraphy of the feather edges of the presently unexplored basins or sub-basins;

(d) acquisition and processing of two dimensional or three dimensional seismic data;

(e) the drilling of one or more exploration wells.

Desk studies and the acquisition of presently available data sets, whether proprietary or non-exclusive will not be regarded as acceptable work commitments.

12. Name and address of proposed Agent of the applicant in the Falkland Islands[7].

PART IV

13. Details of the fees which accompany the application (cheques should be crossed "not negotiable A/C Payee only" and made payable to "Falkland Islands Government").

PART V

I/We hereby declare that the information given in Parts I, II, III and IV or annexed to or accompanying this application is correct [8].

Date

Signature of each applicant or proposed operator, or in the case of each applicant or proposed applicant which is a body corporate, of a duly authorised officer whose capacity is stated[9].

1. If there is more than one applicant or proposed operator all the information relating to each operator which is required in this Part should be grouped together. The groups should appear in the order in which the applicants and proposed operator are named in Part I. Where any of the applicants for a production licence is a subsidiary the assets of which might not indicate sufficient financial strength to undertake its share of the costs of financing the work programme, the applicant may wish to submit with the application suitable evidence of financial support, e.g. from the group of companies of which it forms part. An applicant which has not a substantial cash flow and does not submit evidence that a corporate parent or other connected company is willing to finance the cost, or the applicant's share of the cost, of the work programme will need to submit with the application evidence (e.g. in a satisfactory form from bankers or professional advisers) that the applicant will be able to meet that cost and the source of the funds.

2. If a body corporate does not possess a capital structure, any comparable information concerning the items listed should be furnished.

3. Column 4 of sub-paragraph (a) need not be completed if a copy of the memorandum and articles of association, or other document setting out or defining the constitution of the body corporate accompanies the application.

4. Where the audited accounts are in a foreign language they should be accompanied by two copies of a certified translation of them into English. The audited accounts should also be accompanied by (a) a copy of any Chairman's Statement or like document accompanying the accounts and circulated to shareholders or stockholders, (b) any Notes forming part of the accounts and (c) the auditor's Report on the accounts. If the audited accounts relate to a period ending more than six months before the closing date for submission of the application, the applicant may on receipt of the application be asked to submit further financial statements in respect of the intervening period ending not earlier than three months before the closing date. It would be helpful if applicants would, where appropriate, anticipate such a requirement. Any such financial statements should be certified by the signatory to the application as being true and correct to the best of his information, knowledge and belief.

5. Applicants should also provide two copies of any published information in relation to the applicant in respect of any period after the period to which the audited accounts relate.

6. The provisions are applied only for the purpose of determination, for the purposes of these Regulations, of the question as to whether a body corporate has control of another body corporate. The Income and Corporation Taxes Act 1988 of the United Kingdom does not form part of the law of the Falkland Islands, which have their own laws on taxation of personal and corporate income.

7. See model clause 40 for production licences. There is a similar requirement in the Model Clauses relating to exploration licences.

8. The applicant may annex any information or particulars additional to those required by this form which the applicant wishes to be considered in connection with the application.

9. Where there is more than one signature, the applicant or proposed operator to which each signature relates should be identified.".

(3) In Schedule 2 (Model clauses for production licences in controlled waters) —

(a) in Schedule 1 (Description of blocks to which this licence relates), at the end, insert —

"[*These will be blocks numbered on the reference map referred to in clause 2 of the Licence and this Schedule must be appropriately completed in the Licence as granted*]"; and

(b) in Schedule 4 (Work programme for initial term and second exploration term), after the heading "Work Programme", insert —

"[*Here set out the work programme agreed between the Licensee and the Governor before the grant of the Licence*]".

24. Prohibited Goods Ordinance 1992

In section 2 of the Prohibited Goods Ordinance 1992 (Interpretation), in paragraph (a) of the definition of prohibited goods, replace "Customs Ordinance 2003" with "Customs Ordinance 1943".

25. Public Accounts Committee (Form of Summons and Warrant) Order 2010

In Schedules 1 and 2 of the Public Accounts Committee (Form of Summons and Warrant) Order 2010, replace "Complaints Commissioners Ordinance" with "Public Accounts Committee Ordinance 2009".

26. Retirement Pensions Ordinance 1996

In section 5 of the Retirement Pensions Ordinance 1996 (Amount of pension), replace subsection (2) with —

"(2) Subject to the provisions of this Ordinance, the weekly rate of a pension under section 4 shall be equal to —

$$A\left(\frac{B}{2200}\right);$$

where A is the standard weekly rate of pension, and

B is the number of weeks, not exceeding 2200, in respect of which contributions under this Ordinance or the 1952 Ordinance have been made —

(i) by or in respect of the pensioner, or

(ii) in a case of a widow's or widower's pension, by or in respect of the deceased spouse if that produces the greater pension for the survivor.".

27. Taxes and Duties (Special Exemptions) Ordinance 1987

In section 5(6)(a) and 5(7)(b) of the Taxes and Duties (Special Exemptions) Ordinance (Consideration of applications under section 3), replace "Assembly" with "Council".

28. Taxes Ordinance 1997

Delete section 51 of the Taxes Ordinance 1997 (Provisions supplementary to section 50).

Made 9 October 2024

A. M. BLAKE C.M.G.,
Governor.

EXPLANATORY NOTE
(not forming part of the order)

This order rectifies defects in the Statute Law Database.

The Statute Law Database is the authoritative statement of the legislation applying to or in relation to the Falkland Islands by or by virtue of Ordinance. Section 15 of the Ordinance provides for the rectification of defects in the Database following a report of such defects to the Legislative Assembly by the Attorney General.

Defects are rectified in respect of —

- Administration of Justice (Crown Proceedings) Rules 1994
- Agricultural Returns Ordinance 2013
- Board of Health By-Laws 1937
- Building Regulations 1999
- Civil Jurisdiction (Offshore Activities) Order 1998
- Control of Kelp Ordinance 1970
- Criminal Procedure and Evidence Ordinance 2014
- Customs (Fees) Regulations 2006
- Defamation Ordinance 1988
- Double Taxation Relief Arrangement (United Kingdom) Order 1996
- Electoral Ordinance 1988
- Employment Protection Ordinance 1989
- Falkland Islands Pensions Scheme Ordinance 1997

- Fishery Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015
- Foreign Judgments (Reciprocal Enforcement) Order 1975
- Interpretation and General Clauses Ordinance 1977
- Legislative Assembly (Privileges) Ordinance 1989
- Licensing Ordinance 1994
- Livestock and Meat Products Ordinance 2010
- Livestock and Meat Products (Veterinary Medicines Products) Regulations 2015
- Medical Services Tax Ordinance 2010
- Mining Ordinance 2005
- Offshore Petroleum (Licensing) Regulations 2000
- Prohibited Goods Ordinance 1992
- Public Accounts Committee (Form of Summons and Warrant) Order 2010
- Retirement Pensions Ordinance 1996
- Taxes and Duties (Special Exemptions) Ordinance 1987
- Taxes Ordinance 1997